

multilayered inventions of *Koyama et al.*, *Terashima et al.*, and EPO 162, 302. The Applicants respectfully traverse, and request that this rejection be withdrawn.

(i) As to *Koyama et al.*, the Examiner has stated that the instant claim language is open which would not, therefore, exclude additional layers.

In view of the amendment to Claim 1 of the present application, it is made clear that the reagent layer in the dry measuring test device comprises a reagent, polymer beads embedding light reflective particles, and a matrix which mainly consists of hydrophilic high molecular substance wherein the reagent and the polymer beads are retained in the matrix in the form of a layer. The polymer beads are different from the matrix.

As discussed in the response filed April 17, 1999, the reagent layer is, therefore, distinguishable from that of *Koyama et al.* In the new Claim 14, the hydrophilic high molecular substance is specified. The matrices made from these substances are softer than the matrix made from heat-stable organic polymer particles in *Koyama et al.* It should be noted that in the present specification, "PET" is mentioned as a material for a support film used for production of the dry measuring test device of the present invention or as a substrate for supporting the reagent layer, and not as a element of the reagent layer itself.

(ii) The Examiner has stated that the instant claim language is open and does not exclude a multi layer structure as disclosed in *Terashima et al.* The Applicants respectfully traverse.

The amendment to Claim 1 now makes it clear that the reagent and the polymer beads are retained by the matrix in the form of a layer that comprises the reagent layer. As discussed in

the response filed April 17, 1999, therefore, the reagent layer in the dry measuring test device of the present invention is distinguishable from that described in *Terashima et al.* which discloses the provision of a light-blocking layer separate from a reagent layer. Also, the polymer beads used in the dry measuring device of the present invention are not disclosed in *Terashima et al.* The amendment to Claim 1 now emphasizes a single reagent layer, as opposed to the multilayered approach in *Terashima et al.*

(iii) The Examiner has stated that the instant claim language is not specific to the dispersion of the particles and is sufficiently broad to have been properly read on EP 162,302. The Applicants respectfully traverse this statement.

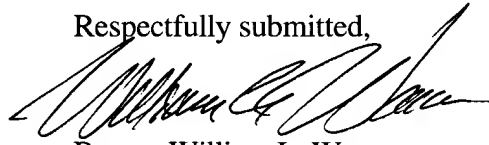
In the previous response, it is stated that the light-shielding particles described in EP 162,302 are dispersed in the form of the particles per se within the hydrophilic polymer film. The polymer beads used in the dry measuring device of the present invention are not disclosed in EP 162,302. In addition, in view of the amendment to Claim 1, it is made clear that the reagent and the polymer beads are retained by the matrix in the form of a reagent layer. As discussed in the response submitted April 17, 1999, therefore, the reagent layer in the dry measuring test device of the present invention is distinguishable from that disclosed in EP 162,302 which discloses provision of a light-shielding layer separately from a reagent layer. The amended Claim 1, however, refers to a single layer, and not the multilayered approach as in EP 162,302.

Therefore, none of the prior art anticipates or renders obvious the invention, and applicants request that the rejections be removed and the claims allowed. The foregoing is submitted as a full and complete Response to the Office Action mailed July 16, 1999. This Response places all claims in the present application in condition for allowance, and such action is courteously

Serial No.: **08/959,125**  
Attorney Docket No.: 20111-0014  
Page 5

solicited. The Examiner is invited and encouraged to contact the undersigned attorney of record if such contact would facilitate an efficient examination and allowance of the application. The Commissioner is hereby authorized to charge any additional fees required under 37 C.F.R. § 1.16, or credit any overpayment, to Account No. 10-1215.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William L. Warren', is written over the typed name.

By: William L. Warren  
Reg. No. 36,714

JONES & ASKEW, LLP  
2400 Monarch Tower  
3424 Peachtree Road, N.E.  
Atlanta, GA 30326  
(404) 949-2400  
Attorney Docket No. 20111-0014  
K-C No. 12,496